

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 21, 2010

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J. and S. Stahl, Deputy Clerk.

Each of the following:

B215434 People v. Hester
B215950 Nolan v. Elahie
B216164 People v. Cisneros
B216934 People v. Arce
B217851 People v. Ramirez
B217901 People v. Gonzalez
B217976 People v. Ochoa
B218382 People v. Battle
B218962 Oyefule v. Countrywide Home Loans
B219281 People v. Banner
B221011 People v. Ahmad T.
B222797 People v. Andrew B.

Argument waived, cause submitted.

B216191 Villaseñor
v.
Lopez

Merits:

Argued by L. Walker VanAntwerp III for appellant and by Thomas P. Carter for respondent. Cause submitted.

Johnson, J. assumes the bench.

DIVISION ONE (continued)

B219658 People
 v.
 Meadows

Merits:
Argued by Marta I. Stanton for appellant and by Shira B. Seigle, Deputy Attorney General, for respondent. Cause submitted.

B215973 People
 v.
 Carrillo

Merits:
Argued by Gerald P. Peters for appellant and by Susan S. Kim, Deputy Attorney General, for respondent. Cause submitted.

B216861 People
 v.
 Reyes & Membreno

Merits:
Argued by Eric R. Larson for appellant Reyes and by Theresa A. Patterson, Deputy Attorney General, for respondent. Appellant Membreno waived argument. Cause submitted.

B219274 People
 v.
 Chea

Merits:
Argued by Matthew D. Alger for appellant and by Ana R. Duarte, Deputy Attorney General, for respondent. Cause submitted.

DIVISION ONE (continued)

B219307 People
 v.
 Bojorques

Merits:
Argued by Matthew D. Alger for appellant and by Ana R. Duarte, Deputy Attorney General, for respondent. Cause submitted.

B220648 Knight
 v.
 Toe Brights, Inc., et al.

Merits:
Argued by Hillel Chodos for appellant and by Timothy J. Harris for respondents. Cause submitted.

B222781 People
 v.
 Jesus N.

Merits:
Argued by Steven A. Torres for appellant and by Lance E. Winters, Deputy Attorney General for respondent. Cause submitted.

B213730 Levaton, et al.
 v.
 Levaton, et al.

Merits:
Argued by Rosario Perry for appellants and by Jeffrey E. Lieber for respondents. Cause submitted.

DIVISION ONE (continued)

B215199 People
 v.
 Ariza

Merits:

Argued by Allen G. Weinberg for appellant and by Jaimie L. Fuster,
Deputy Attorney General, for respondent. Cause submitted.

B222746 In re Darell Chambers on Habeas Corpus

Merits:

Argued by Keith Wattley for petitioner and by Ryan K. Schneider, Deputy
Attorney General, for respondent. Cause submitted.

Court adjourned.

B222178 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Jonathan P.

The order is affirmed.

Mallano, P.J.

I concur: Johnson, J.
I dissent: Rothschild, J. (Opinion)

B221966 People (Not for Publication)
 v.
 Lynex

The appeal is dismissed.

Rothschild, J.

We concur: Mallano, P.J.
 Johnson, J.

September 21, 2010 (Continued)

DIVISION ONE (continued)

B222976 People (Not for Publication)
v.
Rosales

The appeal is dismissed.

Rothschild, Acting P.J.

We concur: Chaney, J.
Johnson, J.

DIVISION TWO

[illegible]

The trial court is directed to correct the abstract of judgment to reflect that as to count 1, defendant was sentenced to state prison for life with the possibility of parole, and that as to count 2, defendant was convicted of shooting at an occupied building. The trial court is ordered to send a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION THREE

B218499 People (Not for Publication)
v.
Delvin Mamora

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B219120 People (Not for Publication)
v.
Danny R. O'Conner

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B213681 Los Angeles Unified School District (Not for Publication)
v.
Coochie, LLC
Abraha, et al.

The judgment is affirmed. LAUSD and the Abrahams shall recover their costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B220476 People v. Garmon (Not for Publication)

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

B217841 People v. Lyons (Not for Publication)

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

B223582 People
v.
Outley

(Not for Publication)

The appeal is dismissed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

September 21, 2010 (Continued)

DIVISION FOUR (continued)

B222853 People (Not for Publication)
v.
Hugo G.

The maximum term of confinement is stricken. In all other respects the order of wardship is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

B219652 People (Not for Publication)
v.
Gaines

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

B218408 People (Not for Publication)
v.
Hall

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

September 21, 2010 (Continued)

DIVISION FOUR (continued)

B212437 People (Certified for Partial Publication)
v.
Sokolsky

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

DIVISION FIVE

B219103 Glenn Hibler (Not for Publication)
v.
Canvas, Inc.

The judgment is reversed. Appellant to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION SIX

B217525 Edward L. Somogyi (Not for Publication)
v.
Sean Adley

The judgment is affirmed. Respondents shall recover costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

September 21, 2010 (Continued)

DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B217006 Dana Cummings, et al.
v.
State of California

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B223843 People (Not for Publication)
v.
Lillis

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

September 21, 2010 (Continued)

DIVISION SIX (continued)

B223143 San Luis Obispo Dept. of Social Serv. (Not for Publication)
v.
Lyne O.

The order is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B221813 Vega (Not for Publication)
v.
Vega

The judgment (order after hearing) is affirmed. Each party shall bear his or her own costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B211928 Mai (Not for Publication)
B213961 v.
Melchiori Construction Company

The judgments and order are affirmed. The prevailing parties on each appeal shall recover costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION SIX (continued)

B216088 People v. Hollis (Not for Publication)

The judgment of conviction is affirmed. We remand solely to clarify the April 29, 2009 order and specify the restitution fines imposed in case number F402666 and case number F422660. The trial court is directed to issue an amended abstract of judgment reflecting the fine amounts imposed in each case and to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B218519 People (Not for Publication)
v.
Barkley

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B223450 Schmitt
v.
Schmitt

Filed order dismissing appeal, filed on April 1, 2010, for lack of jurisdiction and on the court's own motion.

September 21, 2010 (Continued)

DIVISION SIX (continued)

B219802 People
v.
Chavez

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SEVEN

B214341 People (Not for Publication)
v.
Julius A.

The December 3, 2008 disposition order and commitment order are modified to reflect a maximum period of physical confinement of 15 years to life on count 2 and a stay on the terms imposed on counts 3, 4, and 5. In all other respects, the order of the juvenile court is affirmed.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

DIVISION EIGHT

B220368 In re Destiny M., a Minor (Not for Publication)
 Los Angeles County, D.C.F.S.
 v
 Diana M.

The order is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Grimes, J.

DIVISION EIGHT (continued)

B219449 Smith (Not for Publication)

V.

U.S. Bank National Assn. as Trustee

The order of July 29, 2009, granting the motion to enforce the parties' settlement agreement is affirmed. The order of September 22, 2009, enforcing the settlement is also affirmed to the extent the trial court ordered execution of the stipulated unlawful detainer judgment pursuant to that agreement. The order of September 22, 2009, is reversed to the extent the court ordered the clerk to sign a written settlement agreement on behalf of plaintiff, plaintiff's counsel, and the daughter containing a clause that was not part of the settlement agreement the parties asked the court to enforce. If plaintiff satisfied the conditions of a stay of enforcement of the stipulated judgment, the stay is hereby lifted. The matter is remanded for further proceedings as may be requested by the parties pursuant to the court's section 664.6 jurisdiction. Respondent is awarded its costs on appeal.

Grimes, J.

We concur: Rubin, Acting P.J.
Flier, J.